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RICHARD M. RIEHL

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APR - 7 1994  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

April 7, 1994

Our File No.  
1162-101-71

William F. Caton  
Secretary  
Federal Communications Commission  
Washington, D.C. 20554

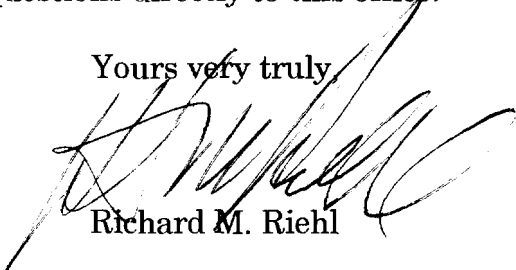
RE: MM Docket No. 94-2  
Hazelhurst, Mississippi

Dear Mr. Caton:

On behalf of PDB Broadcasting please find enclosed an original and four copies of its Comments of PDB Broadcasting and an original and four copies of a covering Motion to Accept Late Filed Comments.

Kindly communicate any questions directly to this office.

Yours very truly,

  
Richard M. Riehl

Enclosures

RMR/das

cc: Ms. Pamela Blumenthal (Rm. 8308) (w/encls)

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APR - 7 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Before The  
**Federal Communications Commission**  
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket No. <u>94-2</u>
Table of Allotments	)	RM No. 8415
FM Broadcast Stations,	)	
	)	
Hazlehurst, Mississippi	)	

TO: Chief, Mass Media Bureau

**COMMENTS OF PDB BROADCASTING**

PDB Broadcasting ("PDB"), by its attorneys and pursuant to Section 307(b) of the Communications Act and Section 1.420 of the Rules, hereby submits its Comments in support of the proposed allocation of FM Channel 282A to Hazelhurst, Mississippi<sup>1</sup>.

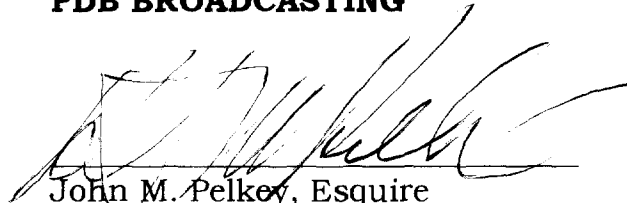
As authorized in the NPRM (Appendix), PDB's Petition for Rule Making is hereby incorporated by reference and a copy is attached to and made a part of these Comments. PDB also confirms that in the

<sup>1</sup> These Comments, through inadvertence, are being submitted four business days late. A Petition to accept late filed Comments accompanies this submission.

event this allocation is granted, PDB will promptly file an application for the allocation requested herein.

Respectfully submitted,

**PDB BROADCASTING**

A handwritten signature in black ink, appearing to read "John M. Pelkey", is written over a horizontal line.

John M. Pelkey, Esquire  
Richard M. Riehl, Esquire  
Its Attorneys

HALEY, BADER & POTTS  
4350 North Fairfax Drive, Suite 900  
Arlington, VA 22203-1633  
703/841-0606

April 7, 1994

Before The  
**Federal Communications Commission**  
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket No.
Table of Allotments	)	RM No.
FM Broadcast Stations,	)	
	)	
Hazlehurst, Mississippi	)	

TO: Chief, Mass Media Bureau

**PETITION FOR RULE MAKING**

PDB Broadcasting ("PDB"), by its attorneys and pursuant to Section 307(b) of the Communications Act and Section 1.420 of the Rules, hereby requests the Commission to amend the FM Table of Allotments (Section 73.202(b) of the Rules) as follows:

<u>CITY</u>	<u>PRESENT</u>	<u>PROPOSED</u>
Hazlehurst, Mississippi	265C3 <sup>1</sup>	265C3, 282A <sup>2</sup>

In support of this request, the following is respectfully submitted:

**ALLOCATION CONSIDERATIONS**

**Second FM Service for Hazlehurst**

This proposed change in the Table of Allotments will bring Hazlehurst its second FM service. Hazlehurst is the county seat of

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<sup>1</sup> In MM Dkt. No. 93-158 the Commission is proposing to substitute Channel 225A for this allocation.

<sup>2</sup> In order to meet spacing requirements and place a City Grade signal over all of Hazlehurst, a site restriction at approximately North 31°47'52", West 90°28'56" is necessary (See Attachment A, p. 1).

Copiah County, Mississippi (1990 population 27,592).<sup>3</sup> It is an incorporated community with a 1990 population of 4,221.<sup>4</sup> It has a mayor/city counsel form of government and has its own police department, school system, library and the City of Hazlehurst also provides other municipal type services to its residents.

### **Technical Compliance**

Attachment A is the Certification of Donald B. Brady a principal of PDB. Mr. Brady prepared the technical showing, including the map (p.8) from information contained in the Dataworld data base. Attachment A establishes that with an allocation reference point of North 31°47'52", West 90°28'56" FM Channel 282A can be assigned to Hazlehurst in compliance with all existing and proposed allocations and provide City Grade coverage to all of Hazlehurst.

### **CONCLUSION**

The foregoing establishes that the requirements of Section 1.420 of the Rules are satisfied and that this requested change in the Table of Allotments will further the objectives of Section 307(b) of the Act. The Commission is therefore requested to issue a Notice of Proposed Rule

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<sup>3</sup> Rand McNally 1993 Commercial Atlas and Marketing Guide, p. 392.

<sup>4</sup> Id. p. 393.

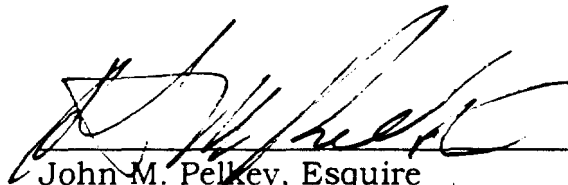
Making to change the Table of Allotments (73.202(b) of the Rules) as follows:

<u>CITY</u>	<u>PRESENT</u>	<u>PROPOSED</u>
Hazlehurst, Mississippi	265C3 <sup>5</sup>	265C3, 282A <sup>6</sup>

In the event this request is granted, PDB will promptly file an application for the allocation requested herein.

Respectfully submitted,

**PDB BROADCASTING**



John M. Pelkey, Esquire  
Richard M. Riehl, Esquire  
Its Attorneys

HALEY, BADER & POTTS  
4350 North Fairfax Drive, Suite 900  
Arlington, VA 22203-1633  
703/841-0606

December 15, 1993

<sup>5</sup> In MM Dkt. No. 93-158 the Commission is proposing to substitute Channel 225A for this allocation.

<sup>6</sup> In order to meet spacing requirements and place a City Grade signal over all of Hazlehurst, a site restriction at approximately North 31°47'52", West 90°28'56" is necessary (See Attachment A, p. 1).

## **DECLARATION OF DONALD B. BRADY**

I, Donald B. Brady, declare as follows:

1. I am a principal of PDB Broadcasting, the movant to allocate FM Channel 282A to Hazlehurst, Mississippi.

2. I am personally familiar with the City of Hazlehurst; have read the Petition for Rule Making to which this Declaration is attached and affirm the statements contained therein are true and correct.

3. I obtained the appended technical studies from Dataworld. The spacing study shows that Channel 282A can be assigned to Hazlehurst consistent with all the minimum separation requirements to both existing and proposed allocations.

4 . The technical studies also show that Channel 282A can be used at Hazlehurst if allocated at the coordinates 31°47'52" North latitude, 90°28'56" West longitude. This would site restrict the allocation 13.89 kilometers southwest of the East corner of the city limits of Hazlehurst.

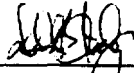
5. The attached map (Prepared by me) of Copiah County, Mississippi, in which Hazlehurst is located, shows the latest city limit boundaries of Hazlehurst and the proposed allocation site. The allocation site is 13.89 kilometers from the most distant corner of the municipal limits of Hazlehurst. The bearing from the proposed site to the far corner of Hazlehurst is approximately 51 degrees. The attached technical data further shows that the distance to the 3.16 mv/m, 70 dbu, "city grade" contour on this bearing is 15.90 kilometers. This gives a clearance of 2.01 kilometers. Therefore, a station

operating on Channel 282A with the proposed site restriction would place a city grade signal over the entire community of Hazlehurst.

6. In the event the Commission allocates Channel 282A to Hazelhurst, Mississippi as requested, PDB will promptly file an application for those facilities.

I have read the foregoing consisting of six(6) numbered paragraphs and declare, under penalty of perjury, that the statements contained therein are true and correct.

Dated: December 9, 1993 .

  
\_\_\_\_\_  
Donald B. Brady

DON BRADY  
JACKSON, MI

Page 1  
November 16, 1993

# FM Spacing study

Title: HAZLEHURST, MS  
Channel 282A (104.3 MHz)  
Database: DW 11/16/93

Latitude: 31-47-52  
Longitude: 90-28-56  
Safety zone: 30 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of	License	St	FCC	File no.	Freq	EAH-m	Longitude	-from (km) (km)
WHJT	LIC	MISSISSIPPI COLLEGE	228A	3	32-20-15	13.4	61.56	10
CLINTON		MS BLH-900226KG	93.5	100	90-19-47	193.5	51.56	CLEAR

License Granted 12/17/90 per FCC release #21017 dated 12/26/90

WAZP-FM APP	DRI-TWO INCORPORATED	229A	6	32-52-00	4.1	118.8	10
YAZOO CITY	MS BMPH-900725IA	93.7	100	90-23-28	184.1	108.8	CLEAR

Received per FCC release #14791 dated 08/03/90, accepted per 14796 dated 08/10/90; Application dismissed 11/15/90 per FCC release #20997 dated 11/28/90; PET FOR RECON FILED 12/14/90; Call Granted 07/05/89

WHER	LIC	RADIO HATTIESBURG INCORP	279C	100	31-31-37	102.9	131.2	95
HATTIESBURG		MS BLH-860609KD	103.7	322	89-08-07	283.6	36.23	CLEAR

Affiliated with WFOR(AM)

ALLOC		280A		32-58-18	15.6	135.3	31
EBENEZER	MS	103.9		90-05-30	195.8	104.3	CLEAR

Filing window 03/23-04/23/90 \*\*CLOSED\*\* ; ALLOC REOPENS PER CP CANCELLATION; COORDINATES ASSUMED

NEW	APP	CHUNKY CREEK RADIO	281C2	50	32-30-03	57.9	148.7	106
UNION		MS BPH-890424MH	104.1	150	89-08-22	238.6	42.75	CLEAR

Accepted per FCC release #NA-120 dated 03/30/90; Hearing DOC-90-501, adopted 10/11/90, released 11/15/90

KJLO-FM LIC	NEW SOUTH COMMUNICATIONS	281C	100	32-39-36	302.8	179.0	165
MONROE	LA BLH-880812KE	104.1	310BT	92-05-15	122.0	13.99	CLOSE

Was KJLO 02/28/89; Affiliated with KMLB(AM)

WGNL	CP	TEAM BROADCASTING COMPAN	282C3	25	33-21-56	7.1	175.2	142
GREENWOOD		MS BMPH-901210IE	104.3	100	90-14-59	187.2	33.22	CLEAR

Deletion proposed; CP Granted 12/13/91 per FCC release #21279 dated 12/19/91; ORDERED TO 282C2; Call Granted 03/09/88

WGNL	ORD	TEAM BROADCASTING COMPAN	282C2	50	33-31-30	8.7	193.8	166
GREENWOOD		MS BPH-930903IF	104.3	150	90-09-52	188.9	27.85	CLEAR

DOC-93-104; RM-8209; ORDERED FROM 282C3; TDF; Call Granted 03/09/88

1 KBYO-FM CP	SHARING INCORPORATED	283C3	25	32-24-08	319.2	88.98	89
TALLULAH	LA BPH-911231IH	104.5	95	91-06-08	138.8	.02	SHORT

CP Granted 04/13/92 per FCC release #21361 dated 04/20/92; ORDERED FROM 285A; Was KBYO 02/01/90 per FCC release #127 dated 02/09/90; Affiliated with KBYO(AM)

WHSY-FM LIC	HUB CITY BROADCASTING CO	283C1	100DA	31-25-50	107.6	133.0	133
HATTIESBURG	MS BLH-840523CP	104.5	134	89-08-51	288.3	.033	CLOSE

Affiliated with WHSY(AM)

1 Rounding to the nearest kilometer gives the required separation of 89 kilometers.

DON BRADY  
JACKSON, MI

Page 2  
November 16, 1993

# FM Spacing study

Title: HAZLEHURST, MS  
Channel 282A (104.3 MHz)

Latitude: 31-47-52  
Longitude: 90-28-56

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
2 WHSY-FM CP	HUB CITY	BROADCASTING CO	283C	100	31-25-50	107.6	133.0	165
HATTIESBURG	MS	BPH-861201IC	104.5	300BT	89-08-51	288.3	-32.0	SHORT
CP cancelled 05/16/91; CP Granted 07/10/87; Affiliated with WHSY(AM)								
KPXS	CP	VISION BROADCASTING, INC	284A	3	31-34-44	254.5	90.01	31
VIDALIA	LA	BMPH-930317IE	104.7	81	91-23-47	74.0	59.01	CLEAR
CP Granted 07/08/93 per FCC release #21675 dated 07/16/93; Call Granted 07/12/91 per FCC release #162 dated 07/12/91								
WZFL-FM LIC	RADIO READING SERVICES C	285A	3	31-06-07	214.6	93.66	31	
CENTREVILLE	MS	104.9	104	91-02-27	34.3	62.66	CLEAR	
Application for License (BMLH-930819KB) accepted per FCC release #15656 dated 10/27/93; Was WZZB 04/04/86; Ant: Phelps Dodge CFM-LP4; Affiliated with WZFL(M)								

>> End of channel 282A study <<

2 WHSY is now operating as a Cl.

DON BRADY  
JACKSON, MI

Page 0  
November 16, 1993

Service contours based on FCC F(50,50) curves

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in the information hereby provided, and shall not be liable for any  
injuries or damages (including consequential) which might result from  
use of the said information.

Job Title: HAZLEHURST, MS

Channel: 282

Coordinates: 31-47-52 90-28-56.

Service contours based on FCC f[50,50] curves.

----- Selected field strengths -----  
dBu mV/m dBu mV/m dBu mV/m  
70.0 3.162 60.0 1.000

----- Radial Information -----					
NO.	BEARING	HAAT-ft	HAAT-Meters	ERP-dBk	ERP-kW
1	.000	400.263	122.000	7.782	6.000
2	45.000	330.709	100.800	7.782	6.000
3	51.000	319.882	97.500	7.782	6.000
4	90.000	328.740	100.200	7.782	6.000
5	135.000	304.134	92.700	7.782	6.000
6	180.000	315.945	96.300	7.782	6.000
7	225.000	244.423	74.500	7.782	6.000
8	270.000	319.882	97.500	7.782	6.000
	315.000	380.249	115.900	7.782	6.000

#### Distance & Bearing Calculations

Site No.	Latitude Longitude	Distance (miles)	Distance (kilometers)	Bearing From Site 1 and Reciprocal (degrees true)
1	31-47-52.0 90-28-56.0	Allocation point for Hazlehurst.		
2	31-52-30.0 90-22-00.0	GC= 8.63 FCC= 8.63	13.89 13.89	51.78 231.84
Coordinates of the most distant of the municipal limits of Hazlehurst.				

DON BRADY  
JACKSON, MI

Page 1  
November 16, 1993

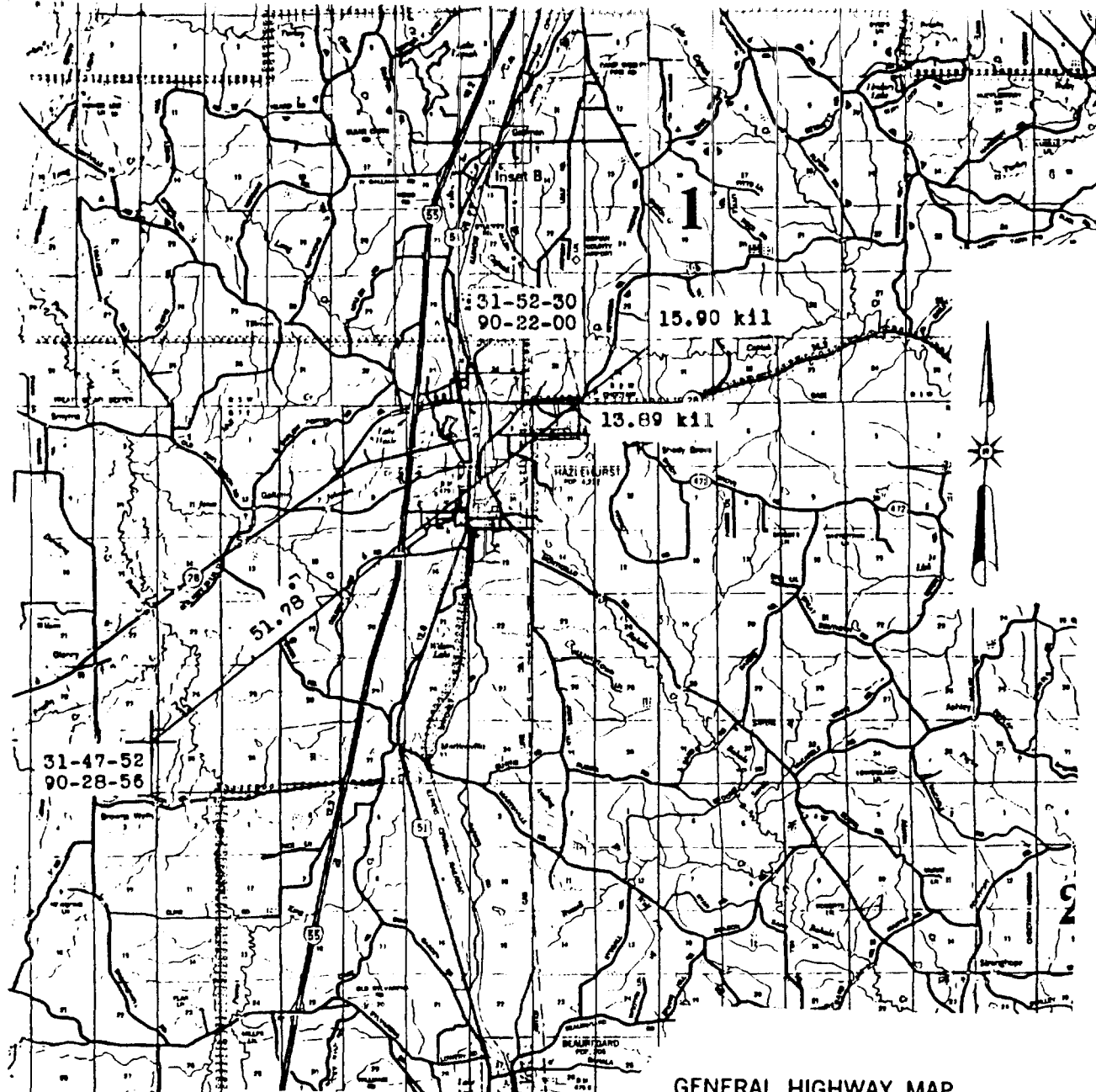
Service contours based on FCC F(50,50) curves

Title: HAZLEHURST, MS Latitude: 31-47-52  
Channel: 282 C/R 208.9 meters ( 685.4 feet) A.M.S.L. Longitude: 90-28-56

Bearing (degrees)	HAAT (meters) (feet)	ERP (kilowatts) (dBk)	70 dBu (3.16 mV/m) contour	60 dBu ( 1 mV/m) contour
.0	122.0 400.3	6.000 7.782	18.1 km 11.2 mi	31.0 km 19.2 mi
45.0	100.8 330.7	6.000 7.782	16.2 km 10.1 mi	28.4 km 17.7 mi
* 51.0	97.5 319.9	6.000 7.782	15.9 km 9.9 mi	28.0 km 17.4 mi
90.0	100.2 328.7	6.000 7.782	16.2 km 10.1 mi	28.3 km 17.6 mi
135.0	92.7 304.1	6.000 7.782	15.5 km 9.6 mi	27.3 km 17.0 mi
180.0	96.3 315.9	6.000 7.782	15.8 km 9.8 mi	27.8 km 17.3 mi
225.0	74.5 244.4	6.000 7.782	13.8 km 8.6 mi	24.7 km 15.3 mi
270.0	97.5 319.9	6.000 7.782	15.9 km 9.9 mi	28.0 km 17.4 mi
315.0	115.9 380.2	6.000 7.782	17.6 km 10.9 mi	30.3 km 18.8 mi
HAAT:	100.0 328.0			

Note: Radial(s) denoted by "\*" not included in HAAT calculation.

\* Approximate radial through the most distant point of Hazlehurst city limits.



GENERAL HIGHWAY MAP

# COPIAH COUNTY

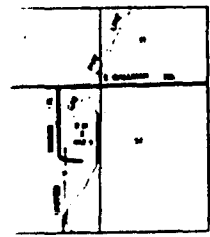
MISSISSIPPI  
© 1992

MISSISSIPPI DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION PLANNING DIVISION  
IN COOPERATION WITH THE

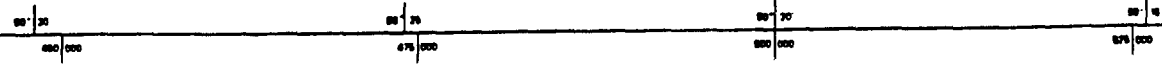
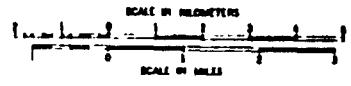
U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

TRANSVERSE MECA TOR PROJECTION, MAD 27  
STATE PLANE COORDINATES

DATA SOURCES	
1978	ASCS AERIAL PHOTOS
1987	USGS DLG
1989	MSHD FIELD INVENTORY
1990	POPULATION 27,592
1983	BEAT LINES




Inset B  
1:100,000



**CERTIFICATE OF SERVICE**

I, Dawn A. Smith, a secretary in the law offices of Haley, Bader & Potts, hereby certify that I have on this 7th day of April, 1994, sent copies of the foregoing "COMMENTS OF PDB BROADCASTING" by first-class United States mail, postage prepaid, to the following:

James R. Cook, Esquire  
Harris, Beach & Wilcox  
Suite 210  
1200 Eighteenth Street, N.W.  
Washington, D.C. 20036

  
Dawn A. Smith

Before The  
**Federal Communications Commission**  
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket No. 94-2
Table of Allotments	)	RM No. 8415
FM Broadcast Stations,	)	
	)	
Hazlehurst, Mississippi	)	

TO: Chief, Mass Media Bureau

**MOTION TO ACCEPT LATE FILED COMMENTS**

Comments in the above-captioned proceeding were due to be filed on April 1, 1994. Due to the press of other business counsel inadvertently failed to submit the accompanying Comments of PDB Broadcasting, the proponent of the allocation of Channel 282A at Hazelhurst, Mississippi, on the due date. Once the omission was discovered, steps were taken to immediately rectify the error<sup>1</sup>.

Inasmuch as the failure to timely file the Comments of PDB Broadcasting was inadvertent, acceptance of them will not adversely affect the participation of any party and will conserve the Commission's limited resources, good cause, it is submitted, has been shown. The

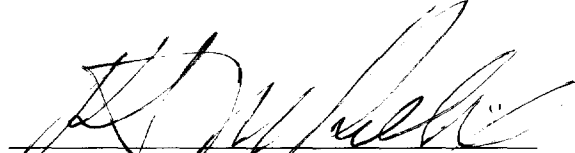
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<sup>1</sup>A counter proposal to allocate Channel 283C3 to Bude, Mississippi has been filed.

Commission is therefore requested to accept the accompanying  
Comments of PDB Broadcasting for consideration in this proceeding.

Respectfully submitted,

**PDB BROADCASTING**

A handwritten signature in dark ink, appearing to read 'John M. Pelkey', is written over a horizontal line.

John M. Pelkey, Esquire  
Richard M. Riehl, Esquire  
Its Attorneys

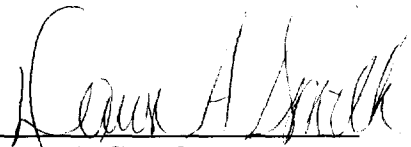
HALEY, BADER & POTTS  
4350 North Fairfax Drive, Suite 900  
Arlington, VA 22203-1633  
703/841-0606

April 7, 1994

**CERTIFICATE OF SERVICE**

I, Dawn A. Smith, a secretary in the law offices of Haley, Bader & Potts, hereby certify that I have on this 7th day of April, 1994, sent copies of the foregoing "MOTION TO ACCEPT LATE FILED COMMENTS" by first-class United States mail, postage prepaid, to the following:

James R. Cook, Esquire  
Harris, Beach & Wilcox  
Suite 210  
1200 Eighteenth Street, N.W.  
Washington, D.C. 20036

  
Dawn A. Smith